

Remarks

By this Amendment, claims 1, 25, 26 and 29-31 are amended, and claim 27 is canceled without prejudice or disclaimer. After entry of these amendments, claims 1-5, 7-12, 14, 19-26 and 28-31 will be pending. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 2, 4-5, 7-12 and 19-26 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,557,686 to Brown et al. (Brown) in view of U.S. Patent Publication No. 2005/0008148 to Jacobson (Jacobson).

Jacobson was filed on April 1, 2004, claiming the benefit of a provisional application filed on April 2, 2003. Thus, the earliest possible reference date under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) for Jacobson is April 2, 2003.

Accompanying this response is a Declaration of Prior Invention Under 35 C.F.R. § 1.131 by the inventors of this application which establishes that the subject matter of each of claims 1-5, 7-12, 14, 19-26 and 28-31 was actually reduced to practice before April 2, 2003.

This Declaration is seasonably presented under MPEP 715.09(c) because Jacobson was first cited in the November 8, 2010, final Office action. Exhibit A is a PowerPoint presentation referred to in the Declaration. The "Exhibit A" legend and slide numbers have been added to identify the document.

Accordingly, Jacobson is not prior art under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) and the rejection should be withdrawn.

Claim 27 is rejected under 35 U.S.C. § 103(a) over Brown in view of Jacobson and further in view of U.S. Patent Publication No. 2002/0078447 to Mizutome (Mizutome). Claim 3 is rejected under 35 U.S.C. § 103(a) over Brown in view of Jacobson and further in view of U.S. Patent No. 5,596,718 to Boebert et al. (Boebert). These rejections are respectfully traversed.

For the same reasons discussed above, Jacobson is removed as a prior art reference. Thus, neither of the remaining combinations of Brown and Mizutome and Brown and Boebert establishes a *prima facie* case of obviousness for the respective rejected claim. Withdrawal of the rejections is requested.

Claims 1, 25 and 26 are amended to recite "biometric information" instead of "biometrics information" for precise antecedent basis. The amendments to these claims do not narrow their scope.

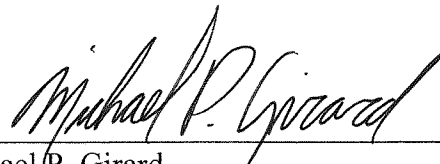
Claims 29-30 are amended to depend from method claim 9 instead of claim 1. Claim 29 is also amended to include proper punctuation. Claim 30 is amended for improved readability to state that "the passively collected mouse data includes mouse point and click data." No new matter has been added.

Based on the foregoing, Applicants respectfully submit that the claims are directed to allowable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place this application in better condition for allowance, the Examiner is requested to contact Applicants' representative by telephone.

Respectfully submitted,

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